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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,424	01/20/2004	Chikuni Kawakami	0879-0426P	7763
2292 7590 05/18/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER WANG, KENT F	
			ART UNIT 2609	PAPER NUMBER
			NOTIFICATION DATE 05/18/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,424	<b>Applicant(s)</b> KAWAKAMI, CHIKUNI	
	<b>Examiner</b> Kent Wang	<b>Art Unit</b> 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/20/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 01/20/2004. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

### ***Information Disclosure Statement***

2. The reference listed on the disclosure statement (IDS) submitted on 01/20/2004 has being considered by the examiner (see attached PTO 1449).

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Election/Restrictions***

4. Applicant's election without traverse of Species A, illustrated in Figure 3, claims 1-2 in the reply filed on April 19, 2007 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kawakami, US 2002/0025157.

Regarding claim 1, Kawakami discloses a digital camera having an electronic flash device using a light-emitting diode as a flash light source, comprising:

- a storage device (i.e. a memory 136) which stores correction information (e.g. YC signals) for correcting white balance of an image obtained by flash shooting using the electronic flash device (i.e. electronic flash 146), the storage device storing the correction information set based on a detection result of a color temperature of light actually emitted from the electronic flash device (e.g. corrects a white balance of the color image signals according to the color temperature determined by the color temperature determining device at the shooting) (see [0030]); and
- a white balance correcting device (a white balance adjusting circuit 130) which corrects white balance of the image obtained by flash shooting using the electronic flash device (146) based on the correction information stored in the storage device (136) (e.g. corrects a white balance of the color image signals according to the color temperature determined by the color temperature determining device at the shooting irrespective of light emission of the electronic flash light source) (see [0030]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami in view of Nakayama, US 6,963,362.

Regarding claim 2, Kawakami discloses digital camera having an electronic flash device using a light-emitting diode as a flash light source, comprising:

- a storage device (136) which stores correction information for correcting white balance of an image obtained by flash shooting,
- a white balance correcting device (130) which corrects white balance of the image obtained by flash shooting based on the correction information stored in the storage device (136),

Kawakami does not explicitly disclose the digital camera comprises the modifying devices for correcting the white balance.

Nakayama discloses a digital camera comprises:

- a modification information storage device (i.e. hue data B 319) which stores modification information for correcting the correction information stored in the storage device, the modification information storage device (319) storing the modification information required to make the correction information stored in

- the storage device coincident with correction information set based on a detection result of a color temperature of light actually emitted from the electronic flash device (315) (see col. 9, lines 17-34 and figure 4),
- a modifying device (i.e. hue correction 317) which modifies the correction information based on the modification information stored in the modification information storage device (319); and
  - the white balance correcting device (i.e. switch 320) corrects the white balance of the image obtained by flash shooting based on the correction information modified by the modifying device (e.g. color balance is simply corrected in accordance with correction data prepared for use with the flash apparatus) (see col. 9, lines 11-16).

Kawakami and Nakayama are analogous art because they are from the same field of endeavor of an electric flash device using white balance correcting device to correct white balance of an image obtained by flash shooting. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Nakayama's modified devices in Kawakami's digital camera. The suggestion/motivation would have been to enable the modified devices to provide optimum color balance when the color bar chart is photographed using the flash apparatus thereby it becomes possible to achieve optimum color balance when a picture is taken using the flash apparatus (col. 9, lines 46-53).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shimada (US 7,148,922) disclose an electronic camera achieves a proper white balance adjustment in a strobe photographing and to enhance a quality of a photographed image.
- Tanaka et al. (US 6,693,673) disclose a digital camera that can shoot an image with appropriate exposure irrespective of the distance to the subject even in flash shooting and that can achieve proper white balance adjustment in images shot by flash shooting at all times.
- Ojima (US 2002/0154907) discloses an image pickup unit that is capable to provide an image pick-up apparatus that can calculate intensity of light to be emitted from the stroboscope even if the distance measuring device has failed in measurement of the distance to the subject.

### ***Inquiries***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kent Wang

9 May 2007

  
CHANH D. NGUYEN  
SUPERVISORY PATENT EXAMINER